

Remarks/Arguments:

Claims 1-21 are pending. Claims 1-4, 7-10, 12-15 and 18-21 stand rejected. Applicants acknowledge with appreciation the indication that claims 5-6, 11 and 16-17 would be allowed if rewritten in independent form. By this Amendment, applicants have so rewritten claims amended claims 5-6, 11 and 16-17. Applicants have also amended claims 1-3, 12-13, 15 and 18-21. Accordingly, claims 1-21 are presented for reconsideration and allowance.

Rejections Under 35 USC 103

The Office Action sets forth at page 2, paragraph 1, "Claims 1-4, 7, 12-15, 18, 19 are rejected under 35 USC 103(a) as being unpatentable over Kircher et al. (US 6,975,924) in view of de la Huerga (US 7,006,894)." Applicants respectfully submit that this rejection is overcome by the amendments to the claims for the reasons set forth below.

...scanning a bar code of said installed plurality of source solutions...

...scanning a bar code of respective ones of transfer tubing adapted to be coupled to said plurality of source solutions...

...comparing the scanned information of the installed plurality of source solutions and transfer tubing with an expected configuration...

...either permitting the operator to commence compounding if the comparison is valid or preventing the operator from compounding if the comparison is invalid...(emphasis added)

These features are described in applicants' specification, for example, at page 14 lines 13-15; page 18 lines 1-22; page 26, line 24 through page 27, line 2; page 28, line 29 through page 29, line 12; and page 30, lines 5-8.

The Office relies upon Kircher as disclosing "determining whether said plurality of source solutions conform to a predetermined configuration; ...at least one of providing an alert to an operator and preventing compounding based on said determining step; ...accepting mixture inputs for one or more of said plurality of source solutions; ...and urging at least a portion of at least one of said plurality of source solutions into said mixture receptacle based on said mixture inputs to form said compounded mixture..." The Office readily admits, however, that Kircher does not disclose certain limitations of applicants' claim but relies upon de la Huerga for

disclosing "...determining respective expiration dates of said plurality of source solutions; ...at least one of providing a warning and preventing use of any of said plurality of source solutions based on said determination step..." Although applicants disagree with the overly broad interpretation of the cited references, applicants note that neither Kircher nor de la Huerga disclose or suggest i) scanning a bar code of said installed plurality of source solutions, ii) scanning a bar code of respective ones of transfer tubing adapted to be coupled to said plurality of source solutions, iii) comparing the scanned information of the installed plurality of source solutions and transfer tubing with an expected configuration, and iv) either permitting the operator to commence compounding if the comparison is valid or preventing the operator from compounding if the comparison is invalid.

In contrast, applicants' invention as recited in amended claim 1 requires i) scanning a bar code of said installed plurality of source solutions, ii) scanning a bar code of respective ones of transfer tubing adapted to be coupled to said plurality of source solutions, iii) comparing the scanned information of the installed plurality of source solutions and transfer tubing with an expected configuration, and iv) either permitting the operator to commence compounding if the comparison is valid or preventing the operator from compounding if the comparison is invalid.

It is because applicants have included the features of i) scanning a bar code of said installed plurality of source solutions, ii) scanning a bar code of respective ones of transfer tubing adapted to be coupled to said plurality of source solutions, iii) comparing the scanned information of the installed plurality of source solutions and transfer tubing with an expected configuration, and iv) either permitting the operator to commence compounding if the comparison is valid or preventing the operator from compounding if the comparison is invalid, that applicants are able to provide a compounder with enhanced safety, reliability and accuracy to produce compounded solutions for patients.

Neither Kircher nor de la Huerga provide these advantages because they do not provide for i) scanning a bar code of said installed plurality of source solutions, ii) scanning a bar code of respective ones of transfer tubing adapted to be coupled to said plurality of source solutions, iii) comparing the scanned information of the installed plurality of source solutions and transfer tubing with an expected configuration, and iv) either permitting the operator to commence compounding if the comparison is valid or preventing the operator from compounding if the comparison is invalid.

Applicants respectfully request, therefore, that the rejection of claim 1 be withdrawn and the claim allowed.

Claims 4, 7, 12-15 and 18-19 depend upon claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

Applicants' invention as recited in claim 2, includes features neither disclosed nor suggested by Kircher or de la Huerga namely:

...determining whether said plurality of source solutions conform to a predetermined installation configuration on said compounding device...

...at least one of providing an alert to an operator and preventing compounding based on said determining...(emphasis added)

These features are described in applicants' specification, for example, at page 17, lines 20-32, page 18, lines 1-5, page 28, line 29-page 29, line 12 and page 30, lines 5-8.

Neither Kircher nor de la Huerga disclose or suggest i) determining whether said plurality of source solutions conform to a predetermined installation configuration on said compounding device and ii) at least one of providing an alert to an operator and preventing compounding based on said determination. Applicants respectfully request, therefore, that the rejection of claim 2 as being unpatentable over Kircher in view of de la Huerga be withdrawn and the claim allowed.

Although not identical, claims 3 and 20-21 include features similar to those of claim 2 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 2.

The Office Action sets forth at page 6, paragraph 2, "Claims 8-10 are rejected under 35 USC 103(a) as being unpatentable over Kircher...and de la Huerga...and further in view of Christ et al. (US 2003/0036812 A1)." Applicants respectfully submit that these rejections are overcome by the amendments to the claims for the reasons set forth below.

Christ is relied upon as disclosing "a proportional-integral-derivative (PID) control of a pump element of said compounding device." Claims 8-10 depend, however, upon allowable claim 1. Further, Christ fails to make up for the deficiencies of Kircher and de la Huerga as set forth above. Applicants respectfully request, therefore, that the rejection of claims 8-10 as

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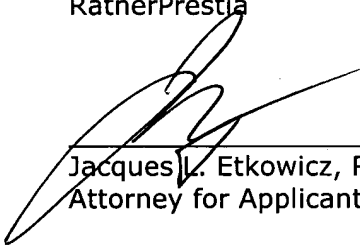
being unpatentable over Kircher and de la Huerga further in view of Christ be withdrawn and the claims allowed.

Applicants have rewritten claims 5, 6, 11 and 16-17 to be in independent form thus rendering them allowable.

In view of the amendments and remarks set forth above, applicants submit that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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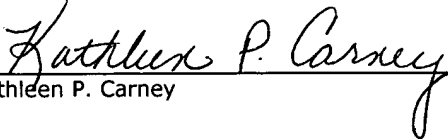
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